

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COOPER-STANDARD
AUTOMOTIVE, INC.,

Plaintiff,

Case No. 22-cv-11083
Hon. Matthew F. Leitman

v.

AMPHENOL THERMOMETRICS, INC., *et al.*,

Defendants.

**ORDER TERMINATING DEFENDANTS' MOTION TO DISMISS
WITHOUT PREJUDICE AS MOOT (ECF No. 7)**

On May 18, 2022, Plaintiff Cooper-Standard Automotive, Inc. filed this action against Defendants Amphenol Thermometrics, Inc. and Amphenol Advanced Sensors Puerto Rico, LLC (collectively, “Amphenol”). (*See* Compl., ECF No. 1.) Cooper-Standard alleges, among other things, that Amphenol beached the parties’ contract and breached certain warranties. (*See id.*) Amphenol thereafter filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 7.)

On June 14, 2022, without expressing any view on the merits of the motion to dismiss, the Court entered an order granting Cooper-Standard leave to file a First Amended Complaint in order to remedy the alleged deficiencies in its claims identified by Amphenol in the motion to dismiss. (*See* Order, ECF No. 8.) The Court

informed the parties that if Cooper-Standard provided notice that it intended to file a First Amended Complaint, the Court would terminate Amphenols' motion to dismiss without prejudice. (*See id.*)

On June 26, 2022, Cooper-Standard filed a notice with the Court that it intends to file a First Amended Complaint. (*See* Notice, ECF No. 9.) Accordingly, because Cooper-Standard will be filing a First Amended Complaint, the Court **TERMINATES** Amphenols' motion to dismiss (ECF No. 7) **WITHOUT PREJUDICE AS MOOT**. Amphenol may re-file their motion to dismiss directed at the First Amended Complaint if they believe that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

Dated: July 6, 2022

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 6, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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